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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/661,918	09/12/2003	Christopher A. Rager	13435.6USU1	8349
23552	7590	09/03/2004	EXAMINER	
MERCHANT & GOULD PC P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903			COURSON, TANIA C	
			ART UNIT	PAPER NUMBER
			2859	

DATE MAILED: 09/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/661,918		RAGER, CHRISTOPHER A.	
	<b>Examiner</b>		<b>Art Unit</b>	
		Tania C. Courson	2859	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>08DEC03</u> . | 6) <input type="checkbox"/> Other: ____  |

## **DETAILED ACTION**

### ***Specification***

1. The disclosure is objected to because of the following informalities:
  - a) on page 3, line 27, change “string 30” to “string 40”, to properly reflect what is shown in Figure 1.

Appropriate correction is required.

### ***Claim Objections***

2. Claims 2 and 14 are objected to because of the following informalities:
  - a) claim 2, in line 2, “a bow” should read “the bow”, and;
  - b) claim 14, in line 14, it appears that “objection” should read as “object”.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-2 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Johnson (US 4,846,141).

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Johnson discloses in Figures 1-8, an aiming device for use on an archery bow and associated method comprising:

- a) a portion pivotally connectable to the bow (Fig. 1, sight pin carrier 14) comprising:
  - i. at least one pin connected to the portion (Fig. 1, sight pin 24), the pin defining a sight point (Fig. 2);
  - ii. a vertical pin adjustment mechanism operably connected to the at least one pin for moving the pin sight point vertically (Fig. 4, screw 30); and
  - iii. a lateral pin adjustment mechanism operably connected to the at least one pin for moving the pin sight point laterally (Fig. 5, set screw 27);
- b) a stationary portion configured for attachment to the bow (Fig. 1, base 11), the first portion pivotally attached to the stationary portion (Fig. 1).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. Claims 3-7 and 9-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson in view of Winegar (US 5,685,081).

Johnson discloses an aiming device for use on an archery bow and associated method, as stated above in paragraph 4.

Johnson further discloses a second, a third, a fourth and a fifth pin (Fig. 2), wherein the vertical pin adjustment mechanism comprises a locking cam (Fig. 4, screw 30), wherein the lateral pin adjustment mechanism comprises a set screw (Fig. 5, set screw 27) and the method step of wherein the step of pivoting the second portion comprises pivoting the second portion by aiming downhill from horizontal (Fig. 1).

Johnson does not disclose a vertical pin and a fiber optic cable, each having an end, each of the ends defining a sight point.

Winegar teaches an aiming device for use on archery bows that consists of a fiber optic cable, each having an end, each of the ends defining a sight point (Fig. 1, fiber optic sight pin 10). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the aiming device of Johnson, so as to replace Johnson's sight pin with the fiber optic sight pin, as taught by Winegar, because both are well known alternate types of sight pins which will perform the same function, if one is replaced with the other of providing an aiming device for use on an archery bow.

Regarding claims 4-6, 9-10, 14 and 16-18: Johnson. discloses a sight pin (24) located in a horizontal position (Fig. 2). Changing the location of the sight pin from the location shown by Johnson to a location in a vertical position, absent any criticality, is only considered to be an

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obvious modification of Johnson. device that a person having ordinary skill in the art at the time the invention was made would be able to provide using routine experimentation since the courts have held that there is no invention in shifting the position if the operation of the device would not be thereby modified. *In re Japikse*, 86 USPQ 70 (CCPA 1950). Therefore, one skilled in the art would change the location of the sight pin in order to suit the needs of the user of the device.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The prior art cited on PTO-892 and not mentioned above disclose an aiming device:

Wiseby et al. (US 5,676,122)

Simo et al. (US 5,560,113)

Barngrover (US 5,419,051)

Seales (US 5,131,153)

Canoy (US 5,103,568)

Tutsch (US 5,086,567)

Larson (US 4,884,347)

Webb et al. (US 4,580,349)

Keller (US 4,120,096)

Rivers (US 3,234,651)

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tania C. Courson whose telephone number is (571) 272-2239.

The examiner can normally be reached on Monday-Friday from 8:00AM to 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego Gutierrez, can be reached on (571) 272-2245.

The fax number for this Organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



DIEGO F.F. GUTIERREZ  
SUPERVISORY PATENT EXAMINER  
GROUP ART UNIT 2859

TCC  
September 2, 2004